

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 13-22**

**A RESOLUTION TO APPROVE A PROPOSAL AND CONTRACT FROM Z CON LLC
(CONCRETE SPECIALISTS) TO REPAIR DAMAGED SECTIONS OF THE
PERVIOUS PAVEMENT SIDEWALK ALONG ROLPH DRIVE**

Introduced by: Mayor Calvin Washington

WHEREAS, the Town has the authority to approve contracts and procurement pursuant to Town Charter Section 33-63 and Town Code Section 20.4, and

WHEREAS, Town Code Section, 20.4 (6) (Procedures) states that the Mayor and Council may exempt the competitive selection requirements for goods and services of said section for good cause shown for sole source procurements of unique products and services, and

WHEREAS, in June of 2017 the Town hired Scheibel Construction to construct a pervious sidewalk along Rolph Drive as part of the Rolph Drive Reconstruction Project, and

WHEREAS, Scheibel Construction was hired to complete the pervious pavement sidewalk because the original firm hired (Manual Luis Construction Co.) was unable to complete the project due to an inability to commence before related grants for the project expired, and

WHEREAS, Pursuant to Resolution 51-17, the Town Council approved the assignment of the Manuel Luis Construction Co. contract to Scheibel Construction Co. for the Rolph Dr. project, and

WHEREAS, certain sections of the Rolph Drive pervious pavement sidewalk and connected curbing are damaged, have fallen into disrepair and are experienced cracking and separation that is in need of repair and is a public safety issue for pedestrian using the sidewalk, and

WHEREAS, the Town reached out to and met with Scheibel Construction to assess the damage and discuss repair, but the sidewalk construction work was outside the warranty period, and

WHEREAS, the Town wishes to utilize the specialized services of Z Con LLC to demolish the existing damaged sections of sidewalk and curbing and replace said sections with new subgrade support and pervious pavement sidewalk as needed and recommended in the attached *Proposal* referred to herein as Exhibit A and the attached *Contract* referred to as Exhibit B, and

WHEREAS, the Town recommends using Z Con LLC as they are one of the few specialized firms that construct, maintain and repair such pavement and in light of past experience with the firm including the specialized cleaning of the Rolph Drive pervious pavement sidewalk historically, as well as the relatively recent construction of a similar pervious pavement sidewalk project they constructed along North Huron Drive, and

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WHEREAS, the Mayor and Town Council finds that Z Con LLC services should be considered for sole source procurement, as they are unique in terms of the quality of goods and work, successful past performance on Town projects, time of delivery or completion, and responsibility of vendors considered.

NOW THEREFORE BE IT RESOLVED that the Town Council hereby accepts and approves the attached Proposal from Z Con LLC to repair the damaged sections of the Rolph Drive Pervious Pavement Sidewalk and authorizes the Town to proceed with the attached Contract quoted at \$8,362.50 with certain terms and conditions enumerated therein, which is attached hereto and incorporated by reference herein as Exhibit B.

AND, BE IT FURTHER RESOLVED that the Town Council hereby authorizes the finalized written contract with Z Con LLC to be paid pursuant to FY22 Budget Line Item: 7243 (*Street Repair*), with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

AND, BE IT FURTHER RESOLVED, that prior to the Mayor signing the approved proposal or contract and notwithstanding anything in said contract to the contrary, the authorized representative of said company or firm shall provide proof of insurance indemnifying the Town, to the satisfaction of the Town Administrator, and that the Contractor shall agree by signing a release and waiver that it will provide and maintain at all times during the term of this agreement, or any other contract it has with the Town, such insurance coverage (Commercial General Liability, Business Automobile Liability, and Workers' Compensation) to adequately protect the Town or as otherwise required by law and that the Contractor shall cover any claim that may arise while engaged in work under any agreement with the Town.

AND, BE IT FURTHER RESOLVED that the Town Council hereby waives the competitive requirements of Code Section 20.4 of the Town Code for good cause shown for sole source procurements of unique products and services.

AND BE IT FURTHER RESOLVED that the Mayor, on behalf of the Town, is hereby authorized to enter into the subject Proposal/Contract and execute any other necessary documents needed to carry out the intent of this Resolution prior to the commencement of any work; and

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this 7 day of March 2022.

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APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY

Yea

BROWNSON

Yea

ATKINSON

Absent

BARNES

Yea

HINES

Yea

WASHINGTON


Yea

NOBLE


Yea

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND



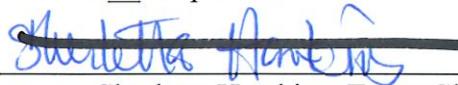
Sherletta Hawkins, Town Clerk

By: 

Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 7 of March 2022 with 6 Aye votes and 0 Nay vote (i.e., a 2/3rds majority of quorum) the aforesaid Resolution 13-22 passed.



Sherletta Hawkins, Town Clerk

[Exhibits A&B – Z Con LLC (Concrete Specialists)_*Proposal/Contract*]